

Message Text

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ORIGIN OES-07

INFO OCT-01 EA-12 ISO-00 PM-05 COME-00 DODE-00 NSF-02
/027 R

DRAFTED BY OES/OFA/MST:WERB:MJB
APPROVED BY OES/OFA/MST:WERB
EA/K - DBLAKEMORE
OES/OFA/FA - G. NELSON
-----006848 091454Z /75

P 091423Z JUN 78
FM SECSTATE WASHDC
TO AMEMBASSY SEOUL PRIORITY

UNCLAS STATE 146587

E.O. 11652: N/A

TAGS: TOCY, EFIS, TECH, KS

SUBJECT: VOYAGE OF ROKG RESEARCH AND PATROL VESSEL TO GULF
OF ALASKA

REF: SEOUL 4697

1. REFTEL HAS REQUESTED SPECIFIC GUIDANCE REGARDING U.S.
REQUIREMENTS FOR ACTIVITIES TO BE CONDUCTED BY THE ROKG
VESSEL O DAE SUN IN THE U.S. 200 FCM ZONE. THE FOLLOWING
INFORMATION MAY BE PROVIDED FOR THE ACTIVITIES CITED PARA
2 REFTEL.

A. INSPECT ROK VESSELS IN U.S. 200 MILE FCM ZONE. NOTICE
PROVIDED REFTEL IS SUFFICIENT FOR NOTIFYING U.S. IT
SHOULD BE EMPHASIZED TO ROKG THAT O DAE SUN MUST NOT
SUPPORT THE FISHING FLEET IN ANY WAY OR ELSE IT WILL BE IN
VIOLATION OF THE FCMA.

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B. CONDUCT OCEANOGRAPHIC INVESTIGATIONS. U.S. PERMISSION
IS REQUIRED FOR OCEANOGRAPHIC RESEARCH WITHIN THE U.S.
TERRITORIAL SEA (EXTENDING 3 NM FROM OUR COAST) AND FOR
RESEARCH CONCERNING AND TAKING PLACE ON THE U.S. CONTINEN-
TAL SHELF AS DEFINED BY THE 1958 CONVENTION ON THE CON-
TINENTAL SHELF. TO ACQUIRE THIS PERMISSION ROKG SHOULD

PROVIDE DEPT WITH COMPLETE DETAILS OF CRUISE AND RESEARCH. OTHERWISE OCEANOGRAPHIC (SCIENTIFIC) RESEARCH IS UNRESTRICTED IN THE 200 MILE FCM ZONE.

C. TAKING FISH SAMPLES. SCIENTIFIC RESEARCH, INCLUDING FISHERIES RESEARCH, IS SPECIFICALLY EXCLUDED FROM THE TERM "FISHING" IN SECTION 3(10) OF THE FCM ACT. IT SHOULD BE NOTED, HOWEVER, THE FOLLOWING ACTIVITIES ARE CONSIDERED TO BE FISHING WITHIN THE MEANING OF THE ACT, AND THEREFORE REQUIRE A PERMIT ISSUED IN ACCORDANCE WITH SECTION 204:

- ANY ACTIVITY INVOLVING THE CATCHING, TAKING, OR HARVESTING OF FISH IN COMMERCIAL QUANTITIES, OR THE USE OF GEAR CAPABLE OF CATCHING, TAKING OR HARVESTING FISH IN COMMERCIAL QUANTITIES, INCLUDING:

(1) THE CONDUCTING OF TESTS OF FISHING GEAR; OR

(2) FISHING CARRIED OUT FOR THE PURPOSE OF TRAINING FISHERMEN.

FISHERIES RESEARCH WHICH ASSISTS IN THE CONSERVATION AND MANAGEMENT OF THE STOCKS AND THE IDENTIFICATION OF THE FISHERIES RESOURCES OF THE FCM ZONE IS ENCOURAGED. WITH THIS IN MIND, THE SPECIFIC ACTIVITIES OUTLINED ABOVE, UNCLASSIFIED

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WHEN UNDERTAKEN IN FULL COOPERATION WITH THE U.S. SHALL NOT BE DEEMED TO BE FISHING WITHIN THE MEANING OF THE ACT.

- THE U.S. DOES NOT WISH TO ESTABLISH SPECIFIC CRITERIA FOR COOPERATION WITHIN THE MEANING OF THE GUIDELINES AT THIS TIME. HOWEVER, SUCH COOPERATION WOULD NORMALLY INCLUDE SUCH FACTORS AS: SUFFICIENT ADVANCE NOTICE SO THAT THE NATIONAL MARINE FISHERIES SERVICE MAY CONSIDER THE PROPOSED RESEARCH AND DETERMINE WHETHER IT WISHES TO PARTICIPATE IN THE PLANNING OR THE CONDUCT OF THE RESEARCH, AND A COMMITMENT TO PROVIDE THE DATA AND RESULTS UPON CONCLUSION OF THE RESEARCH. ARRANGEMENTS CONCERNING SUCH COOPERATION SHOULD BE WORKED OUT DIRECTLY BY THE APPROPRIATE ROK AUTHORITIES WITH THE APPROPRIATE FISHERIES CENTER OF THE NATIONAL MARINE FISHERIES SERVICE (IN THIS CASE THE NORTHWEST CENTER). WHEN SUCH ARRANGEMENTS CONCERNING COOPERATIVE RESEARCH ARE WORKED OUT DIRECTLY TO THE SATISFACTION OF THE CENTER, NO NOTICE OF THE RESEARCH THROUGH DIPLOMATIC CHANNELS IS REQUIRED. WHEN ACTIVITIES WHICH CONSTITUTE FISHING WITHIN THE MEANING OF THE ABOVE-MENTIONED GUIDELINES ARE TO BE

CONDUCTED IN THE ZONE WITHOUT FULL COOPERATION WITH THE

U.S. A PERMIT MUST BE OBTAINED IN THE USUAL MANNER.

D. PORT CALL AT JUNEAU. SINCE THIS VESSEL IS APPARENTLY A PUBLIC VESSEL, IT SHOULD BE ACCORDED "COURTESIES OF THE PORT". THIS MEANS THAT THE VESSEL WOULD BE TREATED AS A GOVERNMENT VESSEL AND NOT BE SUBJECTED TO RIGOROUS EXAMINATION BY CUSTOMS, PUBLIC HEALTH SERVICE AND AGRICULTURE. TO AFFORD IT THIS STATUS, THE LOCAL EMBASSY IN WASHINGTON, D.C. HAS USUALLY SENT A NOTE TO THE PROTOCOL OFFICE AT THE DEPARTMENT. THE NOTE DESCRIBES THE VESSEL, CHARACTERISTICS, MASTER AND PURPOSE.

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: RESEARCH, NAVAL SHIPS, VISITS, OCEANOGRAPHIC RESEARCH
Control Number: n/a
Copy: SINGLE
Draft Date: 09 jun 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 jan 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978STATE146587
Document Source: CORE
Document Unique ID: 00
Drafter: WERB:MJB
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D780241-0977
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780675/aaaacmpo.tel
Line Count: 136
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 1bc7428c-c288-dd11-92da-001cc4696bcc
Office: ORIGIN OES
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: 78 SEOUL 4697
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 29 mar 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: N/A
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2412556
Secure: OPEN
Status: NATIVE
Subject: VOYAGE OF ROKG RESEARCH AND PATROL VESSEL TO GULF OF ALASKA
TAGS: TOCY, EFIS, TECH, KS
To: SEOUL
Type: TE
vdkgvwkey: odhc://SAS/SAS.dbo.SAS_Docs/1bc7428c-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014